

Policy Name	ACCESS AND EQUITY POLICY
Policy Number	G001_PO (Governance)
Purpose	This policy outlines the commitment by Whitehouse Institute of Design, Australia (Whitehouse) to ensure that the structures and practices of the Institute uphold the principles of access and equity.
Scope	This policy applies to all staff and students of Whitehouse across all Campuses.
Policy Statement	<p>Whitehouse values the richness and diversity of its stakeholders and is therefore committed to meeting its disparate needs. Consequently, policies and procedures are developed and updated to ensure that they are non-discriminatory, reflect the ethics and values of Whitehouse, include equity principles and are compliant with relevant legislation.</p> <p>This policy identifies the relevant legislation and a summary of Whitehouse's obligations as it relates to each one. Whitehouse is aware that anti-discrimination laws operate at a Federal and State level and that the Australian Human Rights Commission has statutory responsibilities under Federal legislation. Whitehouse also recognizes that Commonwealth laws and the State Territory laws generally cover the same grounds and areas of discrimination. There are some 'gaps' in the protection that is offered between different States and Territories and at a Commonwealth level. In addition, there are circumstances where only the Commonwealth law would apply or where only the State law would apply.</p> <p>Whitehouse complies with Commonwealth and State legislation including and not limited to that which pertains to discrimination, human rights, equal opportunity and privacy.</p> <p>Obligations of Whitehouse:</p> <ol style="list-style-type: none"> 1. Australian Human Rights Commission Act 1986 (as amended 2010) <ul style="list-style-type: none"> An Act to establish the Australian Human Rights Commission, to make provision in relation to human rights and in relation to equal opportunity in employment, and for related purposes. Under this Act it is unlawful for Whitehouse to discriminate against a person on the grounds that any distinction, exclusion or preference made on the basis of race, colour, sex, religion, political opinion, national extraction or social origin, which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation (except for provisions as allowed for in the Act). The terms "employment" and "occupation" include access to vocational training, access to employment and to occupations, and terms and conditions of employment. 2. NSW Anti-Discrimination Act 1977 (as amended 2070) <ul style="list-style-type: none"> An Act to render unlawful racial, sex and other types of discrimination in certain circumstances and to promote equality of opportunity between all persons. In relation to employment and staff participation, under this Act, it is unlawful for Whitehouse to discriminate against a person on the grounds of: <ul style="list-style-type: none"> • race • sex • transgender • marital status

- disability
- homosexuality
- status as a carer
- compulsory retirement
- age
- HIV/AIDs status.

In the arrangements it makes for the purpose of determining who should be offered employment, or in the terms on which the employer offers employment, and in the terms or conditions of employment which the employer affords the employee, by denying the employee access, or limiting the employee's access, to opportunities for promotion, transfer or training, or to any other benefits associated with employment, or by dismissing the employee or subjecting the employee to any other detriment (except for provisions as allowed for in the Act).

In relation to enrolment and student participation it is unlawful for Whitehouse to discriminate against a person on the grounds of:

- race
- sex
- transgender
- marital status
- disability
- sexuality
- status as a carer
- age
- HIV/AIDs status.

By refusing or failing to accept the person's application for admission as a student, or in the terms on which it is prepared to admit the person as a student and by denying the student access, or limiting the student 's access, to any benefit provided by Whitehouse, or by expelling the student or subjecting the student to any other detriment (except for provisions as allowed for in the Act).

Racial Vilification

In relation to racial vilification it is unlawful for Whitehouse to tolerate any expression of racial vilification where a person or a group of people incite hatred towards, serious contempt for, or severe ridicule of, a person or group of persons on the ground of the race of the person or member s of the group.

Sexual Harassment

In relation to sexual harassment it is unlawful for Whitehouse to tolerate any form of sexual harassment. Sexual harassment is where a person sexually harasses another person by making an unwelcome sexual advance, or an unwelcome request for sexual favours, to another person, or a person engages in other unwelcome conduct of a sexual nature in relation to the other person, in circumstances in which a reasonable person, having regard to all the circumstances, would have anticipated that the other person would be offended, humiliated or intimidated.

3. Victorian Equal Opportunity Act 1995 (as amended 28 April 2010)

Under this Act it is unlawful for Whitehouse to discriminate against any of the

following:

- age
- breastfeeding
- gender identity
- impairment
- industrial activity
- employment activity
- lawful sexual activity
- marital status
- parental status or status as a carer
- physical features
- political belief or activity
- pregnancy
- race
- religious belief or activity
- sex
- sexual orientation
- personal association (whether as a relative or otherwise) with a person who is identified by reference to any of the above attributes.

It is unlawful for Whitehouse to discriminate against a person on the basis:

- that the person has or at any time had any of the attributes outlined above, whether he or she had it at the time of the discrimination
- of a characteristic that a person with an attribute, as outline above, generally has
- of a characteristic that is generally imputed to a person with an attribute, as outlined above
- that a person is presumed to have an attribute, as outlined above, or to have had it at any time.

4. **Age Discrimination Act 2004** (as amended 2010)

An Act relating to discrimination on the ground of age.

Under this Act it is unlawful for Whitehouse to discriminate against someone on the ground of age in respect of the following (except for provisions as allowed for in the Act):

- employment and related matters
- education
- access to premises
- provision of goods, services and facilities
- provision of accommodation
- disposal of land
- administration of Commonwealth laws and programs
- requests for information on which age discrimination might be based.

5. Disability Discrimination Act 1992 *(as amended 2009)*

An Act relating to discrimination on the ground of disability.

In relation to enrolments and student participation, under this Act, it is for Whitehouse to discriminate against a person on the grounds of the person's disability or a disability of any of the other person's associates by refusing or failing to accept the person's application for admission as a student, or in the terms or conditions on which it is prepared to admit the person as a student.

It is unlawful for Whitehouse to discriminate against a person on the ground of the person's disability or a disability of any of the other person's associates by denying student access, or limiting student's access to any benefit provided by Whitehouse, or by expelling the student, or subjecting the student to any other detriment.

It is unlawful for Whitehouse to discriminate against a person on the grounds of the person's disability or a disability of any of the other person's associates by developing curricula or training courses having a content that will either exclude the person from participation, or subject the person to any other detriment; or by accrediting curricula or training courses having such a content.

It is not unlawful for Whitehouse to discriminate against a person or student on the grounds of the disability if avoidance of that discrimination would impose unjustifiable hardship on the Institute.

6. Racial Discrimination Act 1975 *(as amended 2009)*

An Act relating to the Elimination of Racial and other discrimination

Whitehouse does not tolerate a person, or group of people, to undertake in any act involving a distinction, exclusion, restriction or preference based on race, color, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life.

7. Sex Discrimination Act 1984 *(as amended 2009)*

An Act relating to discrimination on the ground of sex, marital status, pregnancy, potential pregnancy or family responsibilities or involving sexual harassment.

Whitehouse is required to conduct its business in accordance with the following objects of the Act:

- to give effect to certain provisions of the Convention on the Elimination of All Forms of Discrimination Against Women
- to eliminate, so far as is possible, discrimination against
- persons on the ground of sex, marital status, pregnancy or potential pregnancy in the areas of work, accommodation, education, the provision of goods, facilities and services, the disposal of land, the activities of clubs and the administration of Commonwealth laws and programs
- to eliminate, so far as possible, discrimination involving dismissal of employees on the grounds of family responsibilities
- to eliminate, so far as is possible, discrimination involving sexual harassment in the workplace, in educational institutions and in other areas of public activity and
- to promote recognition and acceptance within the community of the principle of the equality of men and women.

8. ESOS Act 2000 (as amended 2008)

An Act to regulate education services for overseas students and for related purposes.

The provision of education services to overseas students, that is overseas students studying in Australia on student visas, is regulated through both Commonwealth and State law. It is administered through a cooperative regulatory model between the Australian Government and State and Territory Governments.

There are four pieces of law which make up the ESOS legislative framework:

- education Services for Overseas Students (ESOS) Act 2000 as amended in 2005
- education Services for Overseas Students (ESOS) Regulations 2001
- the National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students (National Code) 2007 and
- education Services for Overseas Students (Registration Charges) Act 1997.

As a provider on the Commonwealth Register of Institutions and Courses for Overseas Students (CRICOS), the Institute is required to comply with the Code's requirements and meet minimum standards.

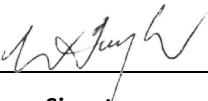
The National Code defines and details provider's responsibilities in the following areas to maintain their registration on CRICOS. Provision of the following information is required:

- details of the provider, including legal entity name, ABN, trading name etc
- course duration
- work-based training
- mode and place of study
- arrangement with other providers
- inspection of premises
- maximum number of students.

The standards for registered providers set out the obligations on registered providers in delivering education and training to overseas students. The 15 Standards detail the specific requirements registered providers must meet to comply with their obligations: These include provision of information on marketing:

- student engagement before enrolment
- formalisation of enrolment
- education agents
- younger students
- student support services
- transfer between providers
- complaints and appeals
- completion within expected duration
- monitoring course progress
- monitoring attendance
- course credit
- deferring, suspending or cancelling student enrolment
- staff capability, education resources and premises
- changes to registered providers' ownership or management.

Relevant Legislation	<ul style="list-style-type: none"> • Education Services for Overseas Students Act 2000 (ESOS) • The National Employment Standards • Standards for Registered Training Organisations (RTOs) 2015 <p>Commonwealth Anti-Discrimination Legislation</p> <ul style="list-style-type: none"> • Australian Human Rights Commission Act 1986 • Age Discrimination Act 2004 • Disability Discrimination Act 1992 • Racial Discrimination Act 1975 • Sex Discrimination Act 1984 • Privacy Act (Cwlth) 1988 <p>State Anti-Discrimination Legislation</p> <ul style="list-style-type: none"> • Privacy and Personal Information Protection Act 1998 (NSW) • State Records Act 1998 (NSW) • Crimes Act 1900 (NSW) • NSW Anti-Discrimination Act 1977 • The Equal Opportunity Act 2010, (Victoria) • Racial and Religious Tolerance Act 2001 (Victoria) • Information Privacy Act 2000 (Victoria)
Key Related Documents	<p>Admission Policy</p> <p>Admission Procedure</p> <p>Code of Conduct</p> <p>Privacy Policy</p> <p>Privacy Procedure</p> <p>Staff Handbook</p> <p>Student Handbook</p>
Responsible Officer	<p>Executive Director</p>
Approval Authority/ Authorities	<p>Board of Governors</p>
Date Approved	<p>10/04/2017</p>
Date of Commencement	<p>11/04/2017</p>
Date for Review	<p>11/04/2020</p>

Documents superseded by this Procedure	Access and Equity Policy and Procedure Dec 2012 Admission Policy and Procedure (06/02/2013)		
Amendment History	<p>05/2018 Re-branding – Header & Footer only</p> <p>12/2016 Policy and Procedures separated. Updated formatting and minor amendments Changed formatting Updated hyperlinks</p> <p>12/2016 Document Minor adjustments and inclusions to policy wording 09/2015</p>		
Signed and dated for Whitehouse Institute Pty Ltd	 <hr/> Signature	<hr/> Les Taylor <hr/> Name	<hr/> 30/05/2018 <hr/> Date

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